

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

NENA L. O'BRIEN,	)	
	)	
Plaintiff,	)	
	)	Civ. No. 3:09-CV-306
v.	)	(PHILLIPS/SHIRLEY)
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

ORDER OF REMAND UNDER SENTENCE FOUR  
OF 42 U.S.C. § 405(g)

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under **sentence four** of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the parties' motion to remand this action, this Court now, upon substantive review, hereby enters a judgment under sentence four of 42 U.S.C. § 405(g) reversing the Commissioner's decision with a remand of the cause to the Commissioner according to the following terms. See Shalala v. Schaefer, 509 U.S. 292, 296, 113 S. Ct. 2625, 2629 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 97-98, 111 S. Ct. 2157, 2163 (1991).

On remand, the Appeals Council will remand the case to an Administrative Law Judge (ALJ), for a full evaluation of the treating physicians' opinions. The ALJ must articulate the weight he is giving to the opinions, and if he does not accept them, articulate good reasons, supported by the record, for the weight given.

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

  
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U. S. District Judge

Proposed by:

s/Loretta S. Harber  
LORETTA S. HARBER (BP #007221)  
Assistant U.S. Attorney  
800 Market Street, Suite 211  
Knoxville, Tennessee 37902  
Telephone: (865)545-4167